IN THE HIGH COURT OF JUDICATURE AT BOMAY
NAGPUR BENCH, NAGPUR
LETTERS PATENT APPEAL NO.61 OF 2006
IN
WRIT PETITION NO.661 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders. | Court's or Judge's orders

CORAM : R.M.S. KHANDEPARKAR &
S.R. DONGAONKAR, JJ.
DATED : JUNE 20, 2006

Heard. The appellant challenges the order dated 22-3-2006 passed in Writ Petition No.661 of 2006. By the impugned order, the learned single Judge has held that in the absence of any appropriate order under Section 78 of the Maharashtra Co-operative Societies Act, 1960, the exercise of replacing the sole administrator by appointing three administrators was totally futile and undisputedly, the order passed by the Assistant Registrar under Section 78 was already stayed in appeal and the appeal was still pending at the relevant time. The said finding is clearly borne out from the records and is in accordance with the provisions of law applicable to the

facts in the matter. The impugned order, in the circumstances, does not disclose any sort of illegality nor arbitrary exercise of jurisdiction. The decision is based on the facts on record and the law applicable to the facts. Hence, it does not warrant any interference in Letters Patent Appeal. The appeal, therefore, is rejected.

JUDGE JUDGE

sjs